

REMARKS

The Office Action mailed June 18, 2007 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1, 5, 7-9, 11, 12, 15, 16 and 18-21 are now pending in this application. Claims 1, 5, 7-9, 11-13 and 17-21 stand rejected. Claims 15 and 16 stand objected to. Claims 13 and 17 have been canceled.

Applicants acknowledge the Examiner's indication that Claims 15 and 16 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants note the objection to the drawings. By the above amendment, Claims 13 and 17 have been canceled. As a result of the amendment, Applicants respectfully submit that the objection to the drawings is moot and notification to that effect is solicited.

The rejection of Claims 1, 5, 8, 9, 11-14 and 17-21 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,364,329 to Holub et al. (hereinafter referred to as "Holub") in view of U.S. Patent No. 6,834,838 to Dennis et al. (hereinafter referred to as "Dennis") is respectfully traversed.

Holub describes a cooler having a lid (110) or lid (210) forming integrated cup holders (116). Distances between the cup holders and the cooler lid perimeter, distances between adjacent cup holders and a clearance between the bottom surface of the lid and the cup holder protrusions into the lid cavity are selected such that the lid can be manufactured using blow molding techniques. Further, Holub describes advantageously providing an underside of the lid (110) with indented areas (118) to maximize the useful interior volume of the compartment (150) when the lid is closed.

Dennis describes a deployable cup holder (100) that is coupled to an automobile trim component (104).

Claim 1 recites an insulated container including “a body comprising outer walls and a base defining a storage space and configured to prevent heat transfer out of the storage space; a cover configured to couple with the body and to prevent heat transfer out of the storage space; and an expandable beverage holder configured to couple to the cover, the expandable beverage holder having a telescoping construction and movable between a collapsed configuration and an expanded configuration, in the expanded configuration the expandable beverage holder one of extending away from the storage space and extending into the storage space and configured to hold a beverage container, a bottom of the expandable beverage holder configured to prevent heat transfer.”

Neither Holub nor Dennis, considered alone or in combination, describes or suggests an insulated container as recited in Claim 1. More specifically, neither Holub nor Dennis, considered alone or in combination, describes or suggests an insulated container including an expandable beverage holder movable between a collapsed configuration and an expanded configuration, wherein, in the expanded configuration, the expandable beverage holder extends away from the storage space or extends into the storage space and is configured to hold a beverage container. Rather, Holub describes a cooler having a lid forming integrated cup holders that facilitate manufacturing the lid using blow molding techniques, and Dennis describes a deployable cup holder that is coupled to an automobile trim component.

Accordingly, for at least the reasons set forth above, Claim 1 is submitted as patentable over Holub in view of Dennis.

Claims 5 and 8 depend directly from independent Claim 1. When the recitations of Claims 5 and 8 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 5 and 8 likewise are patentable over Holub in view of Dennis.

Claim 9 recites a container including “an insulated body comprising outer walls and a base, the insulated body defining a storage space; an insulated cover movably coupled with the insulated body; and an expandable beverage holder integrated with the insulated cover, the expandable beverage holder having a telescoping construction and movable between a collapsed configuration and an expanded configuration, in the expanded configuration the

expandable beverage holder one of extending outwardly with respect to the storage space and extending inwardly with respect to the storage space and configured to hold a beverage container.”

Neither Holub nor Dennis, considered alone or in combination, describes or suggests a container as recited in Claim 9. More specifically, neither Holub nor Dennis, considered alone or in combination, describes or suggests a container including an expandable beverage holder movable between a collapsed configuration and an expanded configuration, wherein, in the expanded configuration, the expandable beverage holder extends outwardly with respect to the storage space or extends inwardly with respect to the storage space and is configured to hold a beverage container. Rather, Holub describes a cooler having a lid forming integrated cup holders that facilitate manufacturing the lid using blow molding techniques, and Dennis describes a deployable cup holder that is coupled to an automobile trim component.

Accordingly, for at least the reasons set forth above, Claim 9 is submitted as patentable over Holub in view of Dennis.

Claims 13 and 17 have been canceled. Claims 11, 12 and 18-20 depend, directly or indirectly, from independent Claim 9. When the recitations of Claims 11, 12 and 18-20 are considered in combination with the recitations of Claim 9, Applicants submit that dependent Claims 11, 12 and 18-20 likewise are patentable over Holub in view of Dennis.

Claim 21 recites an insulated container including “a body comprising outer walls and a base, the body defining a storage space and configured to prevent heat transfer out of the storage space; a cover configured to couple with the body and to prevent heat transfer out of the storage space; and an expandable beverage holder configured to couple to the cover, the expandable beverage holder having a telescoping construction and movable between a collapsed configuration and an expanded configuration, in the expanded configuration the expandable beverage holder one of extending away from the storage space and extending into the storage space and configured to hold a beverage container.”

Neither Holub nor Dennis, considered alone or in combination, describes or suggests an insulated container as recited in Claim 21. More specifically, neither Holub nor Dennis, considered alone or in combination, describes or suggests an insulated container including an expandable beverage holder movable between a collapsed configuration and an expanded configuration, wherein, in the expanded configuration, the expandable beverage holder extends away from the storage space or extends into the storage space and is configured to hold a beverage container. Rather, Holub describes a cooler having a lid forming integrated cup holders that facilitate manufacturing the lid using blow molding techniques, and Dennis describes a deployable cup holder that is coupled to an automobile trim component.

Accordingly, for at least the reasons set forth above, Claim 21 is submitted as patentable over Holub in view of Dennis.

Further, in contrast to the Examiner's assertions in the Office Action, Applicants respectfully submit that it would not have been obvious to one skilled in the art to combine the teachings of Dennis with the teachings of Holub to arrive at the present invention. More specifically, Applicants submit that Holub and Dennis teach away from the present invention. If art "teaches away" from a claimed invention, such a teaching supports the nonobviousness of the invention. U.S. v. Adams, 148 USPQ 479 (1966); Gillette Co. v. S.C. Johnson & Son, Inc., 16 USPQ2d 1923, 1927 (Fed. Cir. 1990). In light of this standard, it is respectfully submitted that the cited art, as a whole, is not suggestive of the presently claimed invention. Applicants respectfully submit that Holub teaches away from the present invention. More specifically, Holub describes a cooler including a lid manufactured using a blow molding technique and forming integrated cup holders. Holub further describes that distances between the cup holders and the cooler lid perimeter, distances between adjacent cup holders and a clearance between the bottom surface of the lid and the cup holder protrusions into the lid cavity are selected such that the lid can be manufactured using blow molding techniques. Moreover, Holub describes advantageously providing an underside of the lid with indented areas to maximize the useful interior volume of the compartment when the lid is closed. Thus, Applicants respectfully submit that Holub teaches away from a container including an expandable beverage holder movable between a collapsed configuration and an expanded

configuration, wherein, in the expanded configuration, the expandable beverage holder extends away from the storage space or extends into the storage space and is configured to hold a beverage container. Dennis merely describes a deployable cup holder that is coupled to an automobile trim component. Dennis does not make up for the deficiencies of Holub. As such, neither Holub nor Dennis, considered alone or in combination, describes or suggests the presently claimed invention. Accordingly, Applicants respectfully submit that the cited art as a whole teaches away from Applicants' claimed invention.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 1, 5, 8, 9, 11-15 and 17-21 be withdrawn.

The rejection of Claims 1, 5, 7-9, 11-13 and 17-21 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2005/0072181 to Mogil et al. (hereinafter referred to as "Mogil") in view of Dennis is respectfully traversed.

Mogil describes a container assembly including a substantially rigid molded plastic receptacle mounted within a soft sided external wall structure and a lid (32) made of a high density, relatively stiff molded foam that yields a table top portion in the nature of a recess (338).

Dennis is described above.

Claim 1 recites an insulated container including "a body comprising outer walls and a base defining a storage space and configured to prevent heat transfer out of the storage space; a cover configured to couple with the body and to prevent heat transfer out of the storage space; and an expandable beverage holder configured to couple to the cover, the expandable beverage holder having a telescoping construction and movable between a collapsed configuration and an expanded configuration, in the expanded configuration the expandable beverage holder one of extending away from the storage space and extending into the storage space and configured to hold a beverage container, a bottom of the expandable beverage holder configured to prevent heat transfer."

Neither Mogil nor Dennis, considered alone or in combination, describes or suggests an insulated container as recited in Claim 1. More specifically, neither Mogil nor Dennis, considered alone or in combination, describes or suggests an insulated container including an expandable beverage holder movable between a collapsed configuration and an expanded configuration, wherein, in the expanded configuration, the expandable beverage holder extends away from the storage space or extends into the storage space and is configured to hold a beverage container. Rather, Mogil describes a container assembly including a lid made of a high density, relatively stiff molded foam that yields a table top portion in the nature of a recess, and Dennis describes a deployable cup holder that is coupled to an automobile trim component.

Accordingly, for at least the reasons set forth above, Claim 1 is submitted as patentable over Mogil in view of Dennis.

Claims 5, 7 and 8 depend directly from independent Claim 1. When the recitations of Claims 5, 7 and 8 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 5, 7 and 8 likewise are patentable over Mogil in view of Dennis.

Claim 9 recites a container including “an insulated body comprising outer walls and a base, the insulated body defining a storage space; an insulated cover movably coupled with the insulated body; and an expandable beverage holder integrated with the insulated cover, the expandable beverage holder having a telescoping construction and movable between a collapsed configuration and an expanded configuration, in the expanded configuration the expandable beverage holder one of extending outwardly with respect to the storage space and extending inwardly with respect to the storage space and configured to hold a beverage container.”

Neither Mogil nor Dennis, considered alone or in combination, describes or suggests a container as recited in Claim 9. More specifically, neither Mogil nor Dennis, considered alone or in combination, describes or suggests a container including an expandable beverage holder movable between a collapsed configuration and an expanded configuration, wherein,

in the expanded configuration, the expandable beverage holder extends outwardly with respect to the storage space or extends inwardly with respect to the storage space and is configured to hold a beverage container. Rather, Mogil describes a container assembly including a lid made of a high density, relatively stiff molded foam that yields a table top portion in the nature of a recess, and Dennis describes a deployable cup holder that is coupled to an automobile trim component.

Accordingly, for at least the reasons set forth above, Claim 9 is submitted as patentable over Mogil in view of Dennis.

Claims 13 and 17 have been canceled. Claims 11, 12 and 18-20 depend, directly or indirectly, from independent Claim 9. When the recitations of Claims 11, 12 and 18-20 are considered in combination with the recitations of Claim 9, Applicants submit that dependent Claims 11, 12 and 18-20 likewise are patentable over Mogil in view of Dennis.

Claim 21 recites an insulated container including “a body comprising outer walls and a base, the body defining a storage space and configured to prevent heat transfer out of the storage space; a cover configured to couple with the body and to prevent heat transfer out of the storage space; and an expandable beverage holder configured to couple to the cover, the expandable beverage holder having a telescoping construction and movable between a collapsed configuration and an expanded configuration, in the expanded configuration the expandable beverage holder one of extending away from the storage space and extending into the storage space and configured to hold a beverage container.”

Neither Mogil nor Dennis, considered alone or in combination, describes or suggests an insulated container as recited in Claim 21. More specifically, neither Mogil nor Dennis, considered alone or in combination, describes or suggests an insulated container including an expandable beverage holder movable between a collapsed configuration and an expanded configuration, wherein, in the expanded configuration, the expandable beverage holder extends away from the storage space or extends into the storage space and is configured to hold a beverage container. Rather, Mogil describes a container assembly including a lid made of a high density, relatively stiff molded foam that yields a table top portion in the

nature of a recess, and Dennis describes a deployable cup holder that is coupled to an automobile trim component.


Accordingly, for at least the reasons set forth above, Claim 21 is submitted as patentable over Mogil in view of Dennis.

Further, in contrast to the Examiner's assertions in the Office Action, Applicants respectfully submit that it would not have been obvious to one skilled in the art to combine the teachings of Dennis with the teachings of Mogil to arrive at the present invention. More specifically, Applicants submit that Mogil and Dennis teach away from the present invention. If art "teaches away" from a claimed invention, such a teaching supports the nonobviousness of the invention. U.S. v. Adams, 148 USPQ 479 (1966); Gillette Co. v. S.C. Johnson & Son, Inc., 16 USPQ2d 1923, 1927 (Fed. Cir. 1990). In light of this standard, it is respectfully submitted that the cited art, as a whole, is not suggestive of the presently claimed invention. Applicants respectfully submit that Mogil teaches away from the present invention. More specifically, Mogil describes a container assembly including a substantially rigid molded plastic receptacle mounted within a soft sided external wall structure and a lid made of a high density, relatively stiff molded foam that yields a table top portion in the nature of a recess. Thus, Applicants respectfully submit that Mogil teaches away from a container including an expandable beverage holder expandable beverage holder movable between a collapsed configuration and an expanded configuration, wherein, in the expanded configuration, the expandable beverage holder extends away from the storage space or extends into the storage space and is configured to hold a beverage container. Dennis merely describes a deployable cup holder that is coupled to an automobile trim component. Dennis does not make up for the deficiencies of Mogil. As such, neither Mogil nor Dennis, considered alone or in combination, describes or suggests the presently claimed invention. Accordingly, Applicants respectfully submit that the cited art as a whole teaches away from Applicants' claimed invention.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 1, 5, 7-9, 11-13 and 17-21 be withdrawn.

In view of the foregoing amendment and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully submitted,



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